5/20/71

Dr. James B. Rhoads, Archivist
The National Archives
Washington, D.C.

Dear Dr. Rhoads,

In reviewing our rather extensive correspondence on the subject of the withholding of certain of the executive sessions of the Warren Commission, I find that in some cases you made but general reference to 5 U.S.C. 552 being the basis of withholding. I also find that on a number of occasions I asked for the authority, that law, in and of itself, not giving this authority but having the opposite purpose and effect, except for certain exemptions, required to be specified in invocation of the law. You have never told me what or which of these exemptions you claim provide you with the authority to withhold any of those withheld executive session transcripts. I would like to know which applies to each, and specifically with regard to that of January 27, 1964.

In response to your request, on March 13, 1970, I repeated a number of requests I had made to which I had not been given any response or where, perhaps inadequate response had been made, or where my requests had been rejected. In going over this file, I find no response to this paragraph:

"You have never responded to two of my requests about the executive sessions for a list of what was discussed 1/27/74, which will, I am confident, establish that withholding is for reasons other than alleged; and for access to that of 6/24/64, which was made available to another writer."

With the history of delays in responding to my requests, this seems to be the all-time record. I do hope, therefore, that you will undertake to make prompt response, the most recent of these unanswered requests now being more than 14 months old.

Since this correspondence, certain judicial decisions have come to my attention. One of these is to the effect that if any government use is made of what may otherwise be withheld under 5 U.S.C. 552, such use waives the rights of the government under the law. I believe this applies to the executive sessions above referred to. I therefore renew my requests for them.

Another question occurs to me: were these or any other executive-session transcripts without at the request of or by order of any other agency?

In the past you have informed me that you keep a list of requests I make for what is withheld, and you have also assured me that when such material is made available, I will be provided with copies automatically. I ask if there has been such declassification and if I have been supplied with copies?

Sincerely,

Harold Weisberg